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EXAMINER
TANG, KAREN C

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Office Action Summary	Application No. 09/997,575	Applicant(s) BLINN, ARNOLD NEIL
		Examiner Karen C Tang	Art Unit 2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 November 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-47</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-47</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 November 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>10/17/03</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

I. Claims 1-4, 9, 10, 14-19, 26-28, 30, 33-36, 39-44 and 47 are rejected under 35

U.S.C. 102(b) as being anticipated by Lourette (US 5,978,016).

1. Referring to Claim 1 and 47, Lourette discloses a method of formatting and

transferring image data from a first location (first storage mean, refer to Col 1, Lines 45-

65) to a second location (second storage mean, refer to Col 3, Lines 20-25) comprising

the steps of: retrieving the image data from the first location (refer to Col 1, Lines 45-

65); receiving a command from a user to save (store, refer to Col 2, Lines 25-36) the

image data to the second location (refer to Col 2, Lines 25-36); in response to the step

of receiving a command (212, Fig 11) from a user to save the image data to the second

location, presenting to the user an interface (22, Fig 3) for selecting image data format

settings (212, Fig 11), wherein the interface also comprises a graphic actuator (208,

refer to Fig 11) for receiving a command from the user to complete the saving of the

image data to the second location; receiving a user selection of a set of image data

format settings (refer to Col 7, Lines 15-30); formatting the image data in accordance

with the set of image data format settings (refer to Col 2, Lines 1-25); and receiving a

user command via the graphic actuator for receiving a command from the user to

complete the saving of the image data to the second location (refer to Col 16, Lines 30-

67 and Col 17, Lines 1-56), whereby saving of the image data to the second location is

completed.

2. Referring to Claims 2, 18 and 33, Lourette discloses wherein the set of image data

format settings (212, Fig 11) are saved as a named set (title, refer to Col 16, Lines 45-

67).

3. Referring to Claim 3, Lourette discloses wherein the step of receiving a user selection

(202, Fig 11) of a set of image data format settings (212, Fig 11, and Col 16, Lines 20-

45 and Col 17) comprises the step of receiving from a user a name (desire title, refer to

Col 16, Lines 40-67) associated with a saved set of image data format settings (212, Fig

11).

4. Referring to Claim 4, Lourette discloses wherein the step of receiving a user selection

(camera operator, refer to Col 7) of a set of image data format settings (212, Fig 11, and

Col 16, Lines 20-45 and Col 17) comprises the step of receiving a user command

specifying selected format options (image function, 212, Fig 12, Col 17) to be applied to

the image data.

5. Referring to Claim 9, Lourette discloses wherein the second location (second storage mean, refer to Col 3) is a file stored on a digital picture frame (album image memory, refer to Col 3, Lines 35-55), and saving of the image data to the second location further comprises the step of transferring the image data to the digital picture frame (refer to Col 3, Lines 55-67 and Col 4, Lines 1-25).

6. Referring to Claim 10, Lourette discloses automatically detecting that the digital picture frame is connected to the personal computer (232, refer to Col 20, Lines 45-67); and automatically determining a type of media usable by the digital picture frame (image processing software, refer to Col 21, Lines 20-46).

7. Referring to Claim 28, Lourette discloses wherein the image data (digital image, refer to Col 3, Lines 5-35), when saved (store, refer to Col 3, Lines 10-25) to the plurality of image data destinations (album storage sub-sections, 125a, 125b, 125c, and 125d, refer to Col 18, Lines 130), is formatted differently for at least two of the plurality of image data destinations respectively (refer to Col 2, Lines 10-67 and Col 3, Lines 15-25).

8. Referring to Claim 30, Lourette discloses wherein the step of retrieving the image data from the image data source further comprises the step of automatically retrieving a plurality of sets of image data from a plurality of image data sources (refer to Col 18, Lines 40-67 and Col 19, Lines 1-15) and wherein the step of automatically formatting

the image data further comprises the step of applying at least one named set of image format settings to the plurality of sets of image data (refer to Col 16, Lines 40-67 and Col 17, Lines 1-35).

9. Referring to Claims 14, 27, and 46, Lourette discloses further including the step of saving the image data (digital image, refer to Col 2, Lines 52) to a plurality of locations (refer to Col 3, Lines 14-28, Col 2, Lines 35-50 and Col 3, Lines 35-55).

10. Referring to Claim 15, Lourette discloses wherein the image data (digital image, refer to Col 2, Lines 52), when saved to the plurality of locations, is formatted differently for at least two of the plurality of locations respectively (refer to Col 2, Lines 10-67 and Col 3, Lines 15-25).

11. Referring to Claims 16, 41 and 44, Lourette discloses wherein the step of retrieving the image data from the first location (first storage, refer to Col 1, 45-67) further comprises the step of retrieving a plurality of sets of image data (select album images, Col 18, Lines 10-30) from a plurality of locations (126, 125a, 125b, 125c, and 125d, refer to Col 18, Lines 10-30) and wherein the step of formatting the image data further comprises the step of applying at least one named set (title, refer to Col 16, Lines 55-67) of image format settings to the plurality of sets of image data (refer to Col 16, Lines 32-67 and Col 17, Lines 1-5).

12. Referring to Claim 17, Lourette discloses reading a task wherein the task describes a scheduled time (timer, 30, refer to Fig 3), an identification of the image data source (digital image means, refer to Col 1, Lines 45-67), an identification of the image data destination, and a set of image data format settings (refer to Col 7, Lines 15-30); determining automatically that the scheduled time has arrived (it is inherent that the timer has capability to do count down); retrieving the image data automatically from the image data source (refer to Col 1, Lines 45-67); formatting the image data automatically in accordance with the set of image data format settings (refer to Col 2, Lines 1-25), and transferring the image data automatically to the image data destination (first storage means, refer to Col 1, Lines 45-65).

13. Referring to Claim 19, Lourette discloses wherein the step of formatting the image data automatically in accordance with the set of image data format settings (refer to Col 2, Lines 1-25) comprises the step of applying the named set automatically to the image data (title, refer to Col 16, Lines 45-67).

14. Referring to Claim 31, Lourette discloses receiving image data at a first location (refer to Col 1, Lines 45-67), wherein the image data was transferred to the first location (camera storage section, 124, refer to Col 21, Lines 10-25) from a second location (computer storage section, 232, refer to Col 21, Lines 20-46), at the first location, reading a rule (first processing means, refer to Col 3, Lines 10-35) correlating a characteristic of the image data (refer to Col 3, Lines 35-67 and Col 16, Lines 29-67)

with a set of image data format settings (refer to Col 7, Lines 15-30) and a third location

(125, refer to Col 21, Lines 23-47); applying automatically the set of image data format

settings to the received image data (editing, refer to Col 21, Lines 24-47); and

transferring automatically the image data to the third location.

15. Referring to Claims 26, 34, 40, 42 and 43, Lourette discloses wherein the

characteristic of the image data (refer to Col 3, Lines 35-67 and Col 16, Lines 29-67) is

correlated by rule (first processing means, refer to Col 3, Lines 10-35) with a plurality of

locations and a plurality of image data format settings (refer to Col 7, Lines 15-30)

further comprising: applying the plurality of image data format settings (refer to Col 7,

Lines 15-30) to the image data to create a plurality of sets of formatted image data (first,

second, and third images, refer to Col 3, Lines 1-35); and transferring the at least one of

the plurality of sets of formatted image data to at least two of the plurality of third

locations (album, 125, refer to Col 21, Lines 23-47, album can be 125a, 125b, 125c..etc,

refer to Col 18, Lines 10-30).

16. Referring to Claim 35, Lourette discloses wherein the first location (camera, refer to

Col 21, Lines 20-47) is a memory location (126, refer to Col 21, Lines 20-47) within a

personal computer (camera is a personal computer because it is inherent that computer

consists a processor, and camera consists a processor, 68, Fig 6) and the third location

(125, refer to Col 21, Lines 20-47) is another memory location within the personal

computer.

17. Referring to Claim 36, Lourette discloses wherein the second location (232, Col 21,

Lines 20-47) is a file on the file system (album image, refer to Col 21, Lines 20-47) of a

personal computer of a second user (computer operator, refer to Col 21, Lines 20-47).

18. Referring to Claim 39, Lourette discloses wherein the characteristic of the image

data allows a logical determination to be made as to the subject of the image data (refer

to Col 3, Lines 35-67 and Col 16, Lines 29-67).

II. Claims 5-8, 11-13, 22-25, 29, 37, 38, and 45 are rejected under 35 U.S.C.

103(a) as being unpatentable over Lourette et al hereinafter Lourette (US 5,978,016) in

view of Safai (US 6,715,003).

1. Referring to Claim 5, 6, 22, 23, 37, and 38, Lourette discloses wherein the first

location (first storage mean, refer to Col 3), second location (second storage mean,

refer to Col 3) and third location (sub-album image storage sections, refer to Col 3) are

selected from the group consisting of: a file stored in a non-volatile memory (DRAM,

124, Col 8, Lines 48-67) of a personal computer (72, Fig 6), a file stored in a volatile

memory of a personal computer (ROM, 128, refer to Col 8, Lines 45-67), a peripheral

device (20, Fig 7, Lines 25-35), and a capture device (optical system, 14, Col 7, Lines

15-20), and a file stored on a digital picture frame (album image, refer to Col 7, Lines

35-55) connected to a computer (72, Fig 6). A scanner (scan capability, refer to Col 20,

Lines 1-17) connected to a processing unit (120, Fig 18) of a personal computer.

Lourette does not expressly disclose the file stores on a node of a network.

Safai discloses a node (aol.com, 414, refer to Fig 4D)

At the time of the invention, it would have been obvious to a person of ordinary skill in

the art to combine Lourette and Safai.

The suggestion/motivation for doing so would have been that file stores in the storages

(refer to Col 3 and Col 21). It would have been obvious for ordinary skill in the art to

modify where the location of storage is. The system would be more flexible if the file is

store on the network in able for anybody to download the file everywhere.

2. Referring to Claims 7 and 25, Lourette discloses wherein the first location and the

second location are the same (since all location are within a camera, refer to Col 2,

Lines 25-67 and Col 3, Lines 35).

3. Referring to Claims 8 and 24, Lourette discloses wherein the second location is a file

(digital image, refer to Col 2, Lines 52) stored in a non-volatile memory (DRAM, 124,

Col 8, Lines 48-67) of a personal computer (72, Fig 6) and saving of the image data to

the second location (second storage mean, refer to Col 3) further comprises the step of

automatically overwriting image data at the second location without generating an error

message for display to the user (refer to Col 2, Lines 35-65).

4. Referring to Claim 11, Lourette discloses wherein saving (storing, refer to Col 2,

Lines 25-36) of the image data (digital image, refer to Col 2, Lines 52) to the second

location (second storage mean, refer to Col 3).

Lourette does not expressly indicate using file transfer protocol.

Safai discloses the use of File transfer Protocol (FTP, refer to Col 24, Lines 20-26).

At the time of the invention, it would have been obvious to a person of ordinary skill in

the art to combine Lourette and Safai.

The suggestion/motivation for doing so would have been that Lourette mentioned about

transferring data from one hardware to another via a link or software (refer to Col 21,

Lines 20-46), which any ordinary skill in the art to modify the type of software/protocol to

transfer data from one location to another.

5. Referring to Claim 12, Lourette discloses wherein the image data (digital image, refer

to Col 3, Lines 5-35), and wherein the first location (first storage mean, refer to Col 1,

Lines 45-65) is a temporary file in a personal computer (72, Fig 6), wherein saving of

the image data to the second location (second storage, refer to Col 3) further comprises

the step of transferring image data (refer to Col 3, Lines 54-67).

Lourette does not expressly transferring files over the network.

Safai indicates image is retrieved (refer to Col 3, Lines 20-55) from the network (refer to

abstract)

At the time of the invention, it would have been obvious to a person of ordinary skill in

the art to combine Lourette and Safai.

The suggestion/motivation for doing so would have been that Lourette mentioned about

transferring data from one hardware to another via a link or software, which any

ordinary skill in the art to modify the how to transfer the image data from one location to

another.

6. Referring to Claim 13, Lourette discloses image data (digital image, refer to Col 3,

Lines 5-35) represent a picture on a page (album image, refer to Col 18, Lines 5-41).

Lourette does not expressly indicate image is retrieved from the network.

Safai indicates image is retrieved (refer to Col 3, Lines 20-55) from the network (refer to

abstract)

At the time of the invention, it would have been obvious to a person of ordinary skill in

the art to combine Lourette and Safai.

The suggestion/motivation for doing so would have been that Lourette mentioned about

transferring data from one hardware to another via a link or software, which any

ordinary skill in the art to modify the how to transfer the image data from one location to

another.

7. Referring to Claims 29 and 45, Lourette discloses wherein transferring the image

data (refer to Col 3, Lines 54-67) to the third location (removable memory interface)

further comprises the step of passing the image data from the first location (first storage

means, refer to Col 3, Lines 54-67) to the third location.

Lourette does not expressly indicate using file transfer protocol.

Safai discloses the use of File transfer Protocol (FTP, refer to Col 24, Lines 20-26).

At the time of the invention, it would have been obvious to a person of ordinary skill in

the art to combine Lourette and Safai.

The suggestion/motivation for doing so would have been that Lourette mentioned about

transferring data from one hardware to another via a link or software, which any

ordinary skill in the art to modify the type of software/protocol to transfer data from one

location to another.

III. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lourette et al hereinafter Lourette (US 5,978,016) in view of Prestia (US

6,788,824).

1. Referring to Claim 20, Lourette discloses wherein the identification of the image data

source (refer to Col 13, Lines 60-67 and Col 14, Lines 1-10) and user (computer host,

232, and Col 21, Lines 20-47).

He does not expressly indicate a list of at least One URI.

Prestia discloses the use of URI (refer to Col 4, Lines 38-50).

At the time of the invention, it would have been obvious to a person of ordinary skill in

the art to combine both Lourette and Prestia.

The motivation/suggestion for doing so would have been that Lourette suggestion

image formatting (212, Fig 11), it would be much more conveniences and faster if the

user uses URI to modify the profile.

2. Referring to Claim 21, Lourette discloses wherein the identification of the image data

source (refer to Col 13, Lines 60-67 and Col 14, Lines 1-10)

Lourette does not expressly disclose the use of a graphical pump album file.

Prestia discloses the use of URI (URI is a graphical pump album file, refer to Col 4,

Lines 38-50).

At the time of the invention, it would have been obvious to a person of ordinary skill in

the art to combine both Lourette and Prestia.

The motivation/suggestion for doing so would have been that Lourette suggestion

image formatting (212, Fig 11), it would be much more conveniences and faster if the

user uses URI to modify the profile.

IV. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Lourette et al hereinafter Lourette (US 5,978,016) in view of "Official Notice".

1. Referring to Claim 32, Lourette does not expressly indicate - wherein the image data

characteristic is selected from the group consisting of: meta-data associated with the

image data, an indication of a human user at the second location, an indication of an

identity of the second location, a filename, and a content of a file.

Official Notice is taken - Official Notice is taken that the limitations narrowed by these

claims are consider obvious and furthermore a matter of design choice.

At the time of the invention, it would have been obvious to a person of ordinary skill in

the art to combine the Official Notice and Lourette.

The suggestion/motivation for doing that would have been that Lourette mentioned the

different kind of image data characteristics (Col 17 and Col 18), it would be obvious to

any ordinary skill in the art to expressively indicate the design choice options so that it

would have been easy to track down the origination of the files source.

Conclusion

A shortened statutory period for reply to this Office action is set to expire THREE

MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Karen C Tang whose telephone number is (571)272-

3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free).

KT

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER